

REMARKS

Upon entry of this paper, independent claims 1, 11, and 21 and dependent claims 4, 6, 10, 14, 16, 20, 24, 26, and 30 have been amended, claims 3 and 13 have been previously cancelled, claims 2, 12, and 23 have been currently cancelled, and no claims have been added as new claims. Thus, claims 1, 4-11, 14-22, and 24-30 are presently pending in this application. No new matter has been added. The cancellation of claims 2, 12, and 23 should in no way be construed to be an acquiescence to any of the rejections stated. Claims 2, 12, and 23 are being cancelled solely to expedite the prosecution of the present application. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent patent application.

Applicant gratefully thanks the examiner for the indication of allowability of claims 2, 4-10, 12, 14-20, and 22-30 if rewritten according to the suggestions stated in the official action. Accordingly, Applicant has cancelled claims 2, 12, and 23, and incorporated the subject matter of claims 2, 12, and 23 into independent claims 1, 11, and 21. As such, Applicant believes the pending application to be in condition for allowance. Applicant provides further remarks below concerning the stated rejections.

Claim Rejections under 35 U.S.C. §103

Claims 1, 11, and 21 were rejected under 35 U.S.C. §103 as being unpatentable over US Patent No. 5,838,924 to Anderson (Anderson '924). Claims 1, 11, and 21 have been amended to incorporate the subject matter of claims 2, 12, and 23, respectively. Applicant provides further remarks below.

Claims 1, 11, and 21 have been amended to include the claimed characteristic of "a sum of administrative weights of all transmission facilities (or links) forming the primary and protection circuits being minimized with respect to available links." *See* amended claims 1, 11, and 21. Anderson '924 fails to disclose, teach, or suggest a

method of establishing communication that includes consideration of administrative weights in this manner.

Applicant respectfully submits that dependent claims 4-10, 14-20, and 24-30 are also allowable based on their dependency on allowable base claims, in addition to their own claimed characteristics as detailed in each of the pending dependent claims.

In light of the above comments, applicant respectfully submits that the claims of the present invention are in condition for allowance over, the cited documents.

CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicant courteously solicits allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



By: Sean D. Detweiler

Reg. No. 42,482

Attorney for Applicant

28 State Street
Boston, MA 02109-1784
Tel: (617) 227-7400
Fax: (617) 742-4214

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